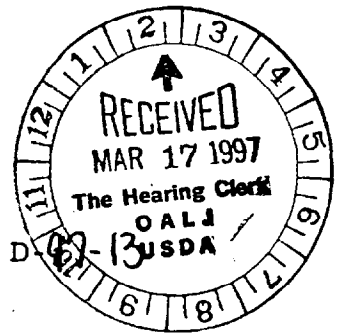


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-42-13
Gerald G. Milosevich)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.), hereinafter "the Act", by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, GIPSA, United States Department of Agriculture, alleging that the respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondent neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Findings of Fact

1. Respondent, Gerald G. Milosevich, referred to as the respondent, is an individual with a mailing address of P.O. Box 193, Oliver, Pennsylvania 15472.

2. Respondent is and at all times material herein was:

a. Engaged in the business of buying and selling livestock in commerce for his own account or the account of others and buying livestock in commerce on a commission basis;

b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

Conclusion

The respondent admits the jurisdictional facts, the parties agree to the entry of this decision, and this decision is entered.

Order


Respondent, Gerald G. Milosevich, his officers, directors, agents and employees, successors and assigns, directly or through any corporate device in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock and failing to pay for livestock purchases.

Respondent Gerald G. Milosevich is suspended as a registrant under the Act for a period of one (1) year. Provided, however, that upon application to Packers and Stockyards Programs, GIPSA, a supplemental order may be issued terminating the suspension of the respondent at any time after ninety (90) days, upon demonstration that all livestock sellers identified in the complaint have been paid in full. Provided further, that this order may be modified upon application to the Packers and Stockyards Programs, GIPSA, to permit the salaried employment of the respondent by another registrant or packer after the expiration of the first ninety (90) days of this suspension term and upon demonstration of circumstances warranting modification of the order.

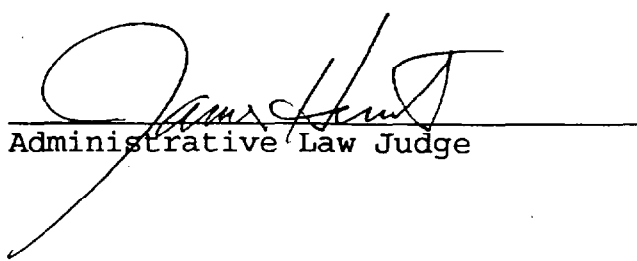
The provisions of this order shall become effective on the sixth day after service of this order on the respondents.

Copies of this decision shall be served upon the parties.


GERALD G. MILOSEVICH
Respondent


ANDRE ALLEN VITALE
Attorney for Complainant

Issued this 17th day of March 1997


Administrative Law Judge